

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN A. REED,

Petitioner,

vs.

Civil Action 2:11-CV-263  
Judge Frost  
Magistrate Judge King

WARDEN, CHILLICOTHE CORRECTIONAL  
INSTITUTION,

Respondent.

REPORT AND RECOMMENDATION

Petitioner, a state prisoner, has filed a petition for a writ of habeas corpus under 28 U.S.C. §2254 and asks that he be permitted to proceed without prepayment of the \$5.00 filing fee. Doc. No. 1.

Petitioner's prisoner account statement indicates that petitioner has on account to his credit more than \$480.00 and that his average monthly deposits for the past six months exceed \$170.00. Under these circumstances, the Court concludes that petitioner is financially able to bear the cost of filing this action.

It is therefore **RECOMMENDED** that petitioner's motion for leave to proceed *in forma pauperis*, Doc. No. 1, be **DENIED**.

The Clerk of Court is **DIRECTED** to mail a copy of the petition and a copy of this *Order* to the respondent and to the Attorney General of Ohio, Criminal Justice Section, 150 East Gay Street, 16th Floor, Columbus, Ohio 43215.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve

on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Date: March 28, 2011

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge